UNITED
NATIONS

Economic and Social

Council

Distr.
GENERAL

E/CN.4/Sub.2/1993/SR.36/Add.1
29 August 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 27 August 1993, at 3 p.m.

Chairman: Mr. AL-KHASAWNEH

CONTENTS

Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-sixth session of the Sub-Commission

Other matters

Adoption of the report on the forty-fifth session

* The summary record of the first part (closed) of the meeting appears as document E/CN.4/Sub.2/1993/SR.36.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-85258 (E)

The public meeting was called to order at 4.05 p.m.

CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-SIXTH SESSION OF THE SUB-COMMISSION (agenda item 20) (E/CN.4/Sub.2/1993/L.1)

1. The CHAIRMAN proposed to the Sub-Commission that the pre-sessional working groups should be composed of the following members:

Working Group on Communications: Mr. Tian Jin for Asia, Mr. Yimer for Africa, Mrs. Forero-Vero (member) and Mr. Heller (alternate) for Latin America, Mrs. Palley for Western Europe and Mr. Ramishvili for Eastern Europe.

Working Group on Indigenous Populations: Mr. Hatano for Asia, Mr. Ramadhane (member) and Mr. Khalil (alternate) for Africa, Mr. Alfonso Martínez (member) and Mr. Despouy (alternate) for Latin America, Mrs. Daes for Western Europe and Mr. Boutkevitch for Eastern Europe.

Working Group on Contemporary Forms of Slavery: Mr. Ul-Hakim for Asia, Mrs. Warzazi for Africa, Mr. Saboia (member) and Mrs. Ferriol Echevarría (alternate) for Latin America, Mr. Bossuyt for Western Europe and Mr. Maxim for Eastern Europe.

2. In consultation with the regional groups, he would take the necessary action to replace any members of the pre-sessional working groups who were not re-elected as experts of the Sub-Commission during the elections to be held at the fiftieth session of the Commission on Human Rights.

3. The composition of the pre-sessional working groups proposed by the Chairman was adopted.

4. The CHAIRMAN, drawing the Sub-Commission's attention to the provisional agenda for its forty-sixth session (E/CN.4/Sub.2/1993/L.1), said that the organization of work and the order of priority of the various items would be decided at the beginning of the session.

5. The Sub-Commission took note of the provisional agenda for its forty-sixth session.

OTHER MATTERS

6. Mrs. PALLEY said that, before the Sub-Commission concluded its consideration of agenda item 20, she wished to comment on the statement made the previous day by some 20 non-governmental organizations. That statement, which had not been endorsed by some key NGOs, had been both unfair and out of order. While non-governmental organizations had the duty to provide the Sub-Commission with information, they did not have the right to lecture members on how they should carry out their work. It was also intolerable that NGOs should comment on members' behaviour and attack them personally.

7. The statement showed a misunderstanding of how the Sub-Commission worked. The members used their judgement and conscience in deciding on the best way of solving human rights problems. They often differed about whether dialogue or condemnation was the most productive approach. The Sub-Commission was not a court of criminal justice to condemn States for any human rights violations they might have committed. Its aim was to help to improve the human rights situations whenever possible.

8. The members of the Sub-Commission spent much of their time receiving information from NGOs. It was therefore becoming increasingly difficult for them to discuss certain questions in depth. If NGOs began to make silly statements such as that of the previous day, the members of the Sub-Commission might be tempted to replace oral statements by written communications, to impose even stricter time limits on statements by NGOs and to give the floor only to responsible and reliable NGOs.

9. Mr. ALFONSO MARTINEZ said that, on the whole, he agreed with the views expressed by Mrs. Palley. In his opinion, the statement in question had been inappropriate and had defeated the purpose for which it had been intended. Those NGOs were claiming that the Sub-Commission's credibility and effectiveness depended on its reactions to the positions taken by NGOs on a particular situation. That viewpoint was totally unacceptable. The Sub-Commission naturally took note of the information provided by NGOs and of their concerns, but it was, in the final analysis, up to the Sub-Commission to determine which situations it would examine.

10. He recognized that the experts could not be expected to know everything about every issue and that communications from NGOs were one of their sources of information. Non-governmental organizations criticized the experts for not engaging in enough dialogue with them because of lack of time or willingness. If the experts took the time to talk with all the NGOs, they would not have time for anything else. Furthermore, each NGO and each country had its own particular concerns and interests, whereas the Sub-Commission took an overall view of all the problems that arose. The NGO statement had been contrary to those organizations' goals instead of providing arguments in support of the dialogue between them and the Sub-Commission.

11. The CHAIRMAN, speaking as a member of the Sub-Commission, said that he entirely agreed with the views expressed by Mrs. Palley and Mr. Alfonso Martínez.

ADOPTION OF THE REPORT ON THE FORTY-FIFTH SESSION (agenda item 21) (E/CN.4/Sub.2/1993/L.10 and Add.1-17; E/CN.4/Sub.2/1993/L.11 and Add.1-3)

12. Mr. MAXIM, Rapporteur, informed the members of the Sub-Commission that the final version of the report was not yet available owing to the lack of resources and staff. He therefore requested the members to entrust the preparation of the final version of the report to him. It would be completed as rapidly as possible and then distributed to the members. He also urged the members who had sponsored resolutions or decisions to come to the secretariat to sign those texts; otherwise, their names would not appear in the report.

13. The CHAIRMAN said that, if he heard no objection, he would take it that the Sub-Commission agreed that the Rapporteur should prepare the final version of the report.

14. It was so decided.

15. Mrs. WARZAZI drew attention to a typing mistake in the English text of draft resolution E/CN.4/Sub.2/1993/L.36. In paragraph 3, the word "including" should be replaced by the words "relating to".

16. Mrs. KSENTINI said that, although she understood the secretariat's difficulties, she would like to request that a copy of the report should be sent to each member of the Sub-Commission before the beginning of the next session. Those copies should be sent automatically without any need for a request by the members.

17. The CHAIRMAN said that note would be taken of that request and that the report would probably be ready before the end of the year.

18. Mr. CHERNICHENKO said that he endorsed Mrs. Ksentini's request. He also requested that reports should be sent in the working languages corresponding to those of the experts, since the last one had been sent to him in English.

19. The CHAIRMAN said that, four weeks previously, when his colleagues on the Sub-Commission had done him the honour of electing him as Chairman, he had known that his task would not be easy: the Sub-Commission's agenda was perennially overloaded and, what was more, the items discussed were half way between politics and human rights and touched sensitivities and deeply held convictions. The ties of friendship and camaraderie cemented during his 10 years on the Sub-Commission had fortunately helped him carry out his tasks with relative ease. He sincerely thanked all the members for their cooperation. He was proud that the Sub-Commission had had so little need to call on the scarce resources of the United Nations. He also thanked the members of the Bureau and the staff of the various secretariat divisions, whose valuable assistance had facilitated the work of the Sub-Commission.

20. He noted with regret that the situation of human rights in the world gave little cause for satisfaction. He warned against the growing cynicism about human rights expressed by so many and not only the man in the street. The experts themselves, wearied by so many discussions, could become disillusioned. He hoped that the members of the Sub-Commission would never forget their commitment to human rights.

21. He welcomed the fact that the Sub-Commission had unanimously adopted a statement on Bosnia and noted that the decision by the Bosnian Government to go before the International Court of Justice - a process which, he would like to hope, had been inspired by the adoption of that statement - was a positive step. At the same time, he was disheartened by the fact that there were many other situations where the Sub-Commission had not taken any action. Each time a murder or a rape occurred, each time a vulnerable group was deprived of its dignity, every person was morally responsible and could feel only shame at his failure to act. Throughout his years on the Sub-Commission, he had been inspired by a verse from the Koran, "We have bestowed dignity on the children

of Adam", and he wondered whether, by his own inaction, he had failed in a religious duty. Yet it was not necessary to be religious to feel sadness and shame at having failed to act in certain situations - and he was not necessarily speaking of situations referred to by NGOs. The international community must renew its commitment to humanism, a value that was dying out and yet was the very foundation for the defence of human rights. It was a value which had never been institutionalized, which did not bring profits, but which was shared by people of different origins and religions, united by their common desire for knowledge or perhaps a shared love for poetry. He was a great lover of poetry himself and quoted a great Arab mystic who, acknowledging that, in the past, he would never have befriended someone of another religion, had said: "But now, behold a heart on fire which embraces the Christian monastery and the Buddhist temple, and Mecca" and "Where the caravan of love goes, I go". Inspired by those words, he expressed the fervent hope that the triumph of the just and noble cause of human rights was near. On a more personal note, he informed the members that he would no longer be serving on the Sub-Commission and thus wished to say goodbye to his colleagues and all the participants.

22. After a particularly warm exchange of courtesies, he declared the session closed.

The meeting rose at 4.40 p.m.